

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 15 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JUSTIN DOWNING, individually and  
on behalf of all others similarly situated,

Plaintiff - Appellant,

v.

LOWE'S COMPANIES, INC., a North  
Carolina corporation; et al.,

Defendants - Appellees.

No. 23-16102

D.C. No. 3:22-cv-08159-SPL  
U.S. District Court for Arizona,  
Prescott

**ORDER**

The opening brief submitted on November 15, 2023 is filed.

Within 7 days of this order, appellant is ordered to file 6 copies of the brief in paper format with blue covers, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. The Form 18 certificate is available on the Court's website at <http://www.ca9.uscourts.gov/forms/>.

The excerpts of record submitted on November 15, 2023 are filed. Within 7 days of this order, appellant is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers.

The paper copies shall be submitted to the principal office of the Clerk. The address for regular U.S. mail is P.O. Box 193939, San Francisco, CA 94119-3939.

The address for overnight mail is 95 Seventh Street, San Francisco, CA 94103-1526.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT